

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DARYS JIMENEZ, :
: Plaintiff, : 1:23-cv-6100 (BMC)
: :
: -against- :
: : NOTICE OF ACCEPTANCE
OFELIA FERNANDEZ and CARLOS CHAMIZO, :
: :
: Defendants. :
----- X

PLEASE TAKE NOTICE that pursuant to Rule 68 of the Federal Rules of Civil Procedure, Plaintiff Darys Jimenez hereby accepts the attached Offer of Judgment of Defendants Ofelia Fernandez and Carlos Chamizo, dated and served January 25, 2024.

Dated: New York, New York
January 25, 2024

By: 

Louis Pechman, Esq.
Gianfranco J. Cuadra, Esq.
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Attorneys for Plaintiff

To: Adam N. Love, Esq.
MARKS, DiPALERMO, WILSON PLLC
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alove@mdw.law
Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

DARYS JIMENEZ, :
Plaintiff, : 1:23-cv-6100 (BMC)
:-----
-against- : OFFER OF JUDGMENT
:-----
OFELIA FERNANDEZ and CARLOS CHAMIZO, :
Defendants. X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants Ofelia Fernandez and Carlos Chamizo (collectively, "Defendants"), by their attorney Adam N. Love of Marks, DiPalermo, Wilson PLLC, hereby offer to allow judgment to be taken against them, jointly and severally, in favor of Plaintiff Darys Jimenez in the sum of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), in full and final resolution of all of issues raised in Plaintiff's Complaint and asserted against Defendants in this Action, including those for unpaid minimum and overtime wages, liquidated damages, statutory damages, interests, and all other claims arising out of or related to the facts and claims alleged or that could have been alleged in the above-captioned action. This Offer of Judgment is limited to the amount set forth above, together with costs, and is not subject to the accrual of interest.

This Offer of Judgment is not to be construed as any admission of fault on the part of Defendants.

Acceptance of this Offer of Judgment will act to release and discharge Defendants, including all of their insurers, agents, executors, and assigns, from any and all claims that Plaintiff alleged in the above-referenced action under the Fair Labor Standards Act, the New York Labor Law, and the New York Wage Theft Prevention Act for alleged unpaid minimum and overtime wages, liquidated and statutory damages, pre- and post-judgment interest, and attorneys' fees and costs.

This Offer of Judgment is made pursuant to the provisions of Rule 68 of the Federal Rules of Civil Procedure and shall be deemed withdrawn unless Plaintiff serves written notice of acceptance within fourteen (14) days of the date on which this Offer of Judgment was served. Any evidence of this Offer of Judgment shall be inadmissible except in any proceeding to enforce its terms.

Dated: New York, New York
January 24, 2024

Marks, DiPalermo, Wilson PLLC

By: _____


Adam N. Love, Esq.
485 Madison Avenue, 16th Floor
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Attorneys for Defendants

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Gianfranco J. Cuadra, an attorney duly admitted to practice before this Court and member of the Bar of State of New York, declare the following under penalty of perjury:

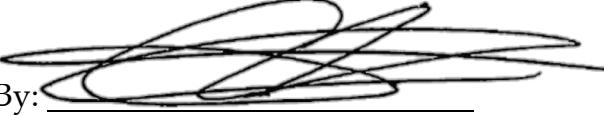
1. I am counsel to Plaintiff in the above-captioned action and am over the age of 18, and am not a party to this action.

2. On January 25, 2024, I served Plaintiff's notice of acceptance of Defendants' Offer of Judgment in the above-captioned action by serving a true and correct copy of it via electronic mail and via the Court's ECF system to:

Adam N. Love, Esq.
Marks, DiPalermo, Wilson PLLC
485 Madison Avenue, 16th Floor
New York, New York 10022
Telephone: (212) 370-4477
alove@mdw.law
Attorneys for Defendants

Dated: New York, New York
January 25, 2024

PECHMAN LAW GROUP PLLC

By: 
Gianfranco J. Cuadra